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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,002	08/12/2005	Yaacov Belenky	7251-94672	9042
24628 7590 06/24/2009 Husch Blackwell Sanders, LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606				
			EXAMINER ZIA, SYED	
			ART UNIT 2431	PAPER NUMBER
			MAIL DATE 06/24/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,002

Applicant(s)

BELENKY ET AL.

Examiner

SYED ZIA

Art Unit

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-30 and 37-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-36 and 40-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to application filed August 12, 2005, and amendment received on June 9, 2009. Claims 1-41 are pending.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-30, and 37-39, drawn to block or data stream enciphering, classified in class 380, subclass 37.
- II. Claims 31-36 and 40-41, drawn to video electrical signal scrambling, classified in class 380, subclass 211.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination.

The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as time interchanged data segments are processed either in discrete blocks, or a continuous stream, of bits or pulses which serially comprise the message stream” which is not required for Invention II. Invention II has a separate utility such as “a video electric signal is made unintelligible by varying at least one of its parameters, wherein time interchanged data segments are processed either in discrete blocks, or a continuous stream, of bits or pulses which serially comprise the message stream” which is not required for invention I. See MPEP § 806.05(d).

During a telephone conversation with Mr. Lenny Friedman on June 9, 2009 a provisional election was made without traverse to prosecute the invention of II, claims 31-36 and 40-41. Claims 1-30, and 37-39 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31-36 and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Candelore et al. (U. S. Pub. No.: 2003/0021412).

1. Regarding Claim 31, Candelore teach and describe a system for scrambling/descrambling packets, comprising a scrambling/descrambling device to scramble/descramble the packets based on an Initial Value and a Key, each of the packets having a must stay clear (MSC) section which must always stay in the clear, the Initial Value for each of the packets being a function of at least part of the MSC section of an associated one of the packets being processed ([0064-009, 0084-0088, and 0095-00112]).

2. Regarding Claim 34, Candelore teach and describe a method for scrambling/descrambling packets, each of the packets having a must stay clear (MSC) section which must always stay in the clear, the method comprising: determining an Initial Value for each of the packets as a function of at least part of the MSC section of an associated one of the packets being processed; and scrambling/descrambling the packets based on the Initial Value and a Key ([0064-009, 0084-0088, and 0095-00112]).

3. Claims 32-33, 35-36 and 401-41 are rejected applied as above rejecting Claims 31 and 34. Furthermore, Candelore teach and describe an encryption and decryption of digital content, wherein:

As per Claim 32, the MSC section includes an adaptation field, the Initial Value being a function of at least part of the adaptation field of the one packet being processed ([0095-0112]).

As per Claim 33, the Initial Value is a function of the data content of the adaptation field of the one packet being processed ([0105-0112]).

As per Claim 35, the MSC section includes an adaptation field, the determining including determining the Initial Value as a function of at least part of the adaptation field of the one packet being processed ([0095-0112]).

As per Claim 36, the determining includes determining the Initial Value as a function of the data content of the adaptation field of the one packet being processed ([0105-0112]).

As per Claim 40-41, the value is initialization vector ([0095-0112]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ
June 16, 2009
/Syed Zia/
Primary Examiner, Art Unit 2131